



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/624,902 | 07/25/2000 | Frank E. Johnson | 5063-1-1 | 6673 |

22442 7590 09/05/2003

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER

LIN, WEN TAI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2154

DATE MAILED: 09/05/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,902

Applicant(s)

JOHNSON, FRANK E.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-5 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milne et al.(hereafter "Milne")[U.S. Pat. No. 5680639] in view of Porter et al.(hereafter "Porter")[U.S. Pat. No. 5864682].

4. As to claim 1, Milne teaches the invention substantially as claimed including: a presentation system for presenting a presentation having a first presentation portion obtained from first presentation data, and a second presentation portion obtained from second presentation data [Fig.14], comprising:

- a time generator [i.e., clock x] for outputting at least first and second master timing values [e.g., the clocks used to define tAudio and tVideo in Fig.14;

- col.9, lines 35-41] for synchronizing a performance of said first and second presentation data at the first network node;
- presentation control information including: (a) first information for accessing first presentation data for performing at the first network node, and (b) a first time value derived from said first master timing value, wherein said first time value is indicative of a time for performing said first presentation data at the first network node [Figs. 6-8];
 - a presentation time determining component at said first network node for determining a second time value relative to performing at least a portion of said second presentation data at said first network node, wherein said second time value is determined using said second master timing value[col.8, lines 37-60];
 - a time delay determining component at said first network node for determining a time delay between said first time value and a second time value [col.13, lines 40-55]; and
 - a presentation synchronization component for using said time delay to delay the performing, at said first network node, of one of at least a portion of said first presentation data, and said second presentation data [col.18, lines 39-57; Fig.32].

Milne teaches that the presentation system is connected to a network [34, Fig.1]. Milne does not specifically teach that the presentation control information is provided from a controlling node via a communications network and that at least a portion of one

of said first and second presentation data is provided to a first network node via the communications network.

However, Porter teaches a system/method wherein multimedia streams are supplied over a network, with a streams server [110, Fig.1B] controlling the streaming of the various data streams [Figs. 4A & 4B; col. 5, line 37- col.6, line 14].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Milne and Porter by providing Porter's multimedia streams and control information to Milne's presentation system, because Milne's object-oriented time scheduling approach makes it fully capable of re-aligning any network-introduced delays that are associated with different data streams.

5. As to claim 2, Milne and Porter further teach at least one or more of:
- said time generator generates each of said first and second master timing values using a substantially identical reference of time;
 - said second presentation data is received at the first network node via the communications network;
 - said first master timing value is approximately indicative of an origination time for said first presentation data; and
 - said second master timing value is approximately indicative of an origination time for said second presentation data.

[Porter: [Fig.1B]; col.11, lines 31-33; col.14, line 60 – col.15, line 5; Milne: Figs. 6-15]

6. As to claims 3-5, since the features of these claims can also be found in claims 1-2, they are rejected for the same reasons set forth in the rejection of claims 1-2 above.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Gupta et al. [U.S. Pat. No. 6415326]; and
Ehley [U.S. Pat. No. 5737531].

8. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)746-7239 for official communications;

Art Unit: 2154

(703)746-7238 for after final communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

September 1, 2003

Wen-Tai Lin
9/1/03